

04-R-1685

Entered 3-9-04 sb

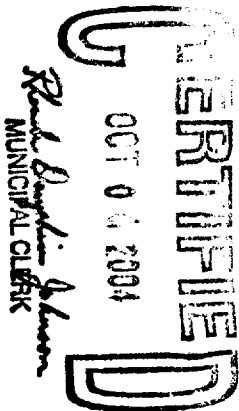
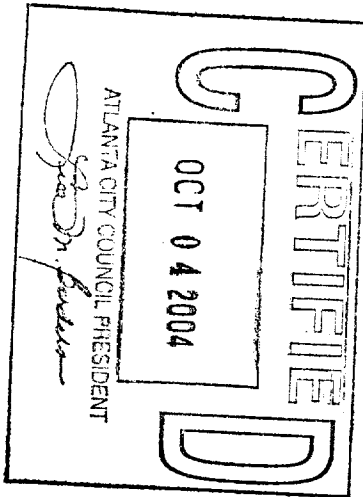
CL 04L0164 GWENDOLYN BURNS

CLAIM OF: THOMAS W. PRESTON

7201 Sherwood Mill Drive

Flowery Branch, Georgia 30542

For vehicular damage allegedly sustained when an automobile struck a manhole cover that was displaced by the vehicle which preceded it on September 15, 2003 at Lenox Road, NE & Kingsboro Road, NE.



THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 9/28/04

CHAIR: _____

Celia Meadows

Mary Norwood

John Smith

Joseph M. Sheperd



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

October 6, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Thomas W. Preston
7201 Sherwood Mill Dr.
Flowery Branch, GA 30542

04-R-1685

Dear Mr. Preston:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 04, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 6083
10/04/04
1:58 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 6-20 EXCEPT 04-O-1587 1588
 1589 1591 1592 1252 1254
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0164

Date: September 14, 2004

Claimant /Victim THOMAS W. PRESTON
BY: (Atty) (Ins. Co.) _____
Address: 7201 Sherwood Mill Drive, Flowery Branch, Georgia 30542
Subrogation: _____ Claim for Property damage \$ 500.00 Bodily Injury \$ _____
Date of Notice: 3/1/04 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 9/15/03 Place: _____ Lenox Road, NE & Kingsboro Road, NE
Department WATERSHED MANAGEMENT Division: Waste Water Treatment and Collections
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a manhole cover that was dislodged by the vehicle preceeding his. However, an investigation has determined the City was not on notice of the hazardous manhole cover prior to the date of claimant's incident.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

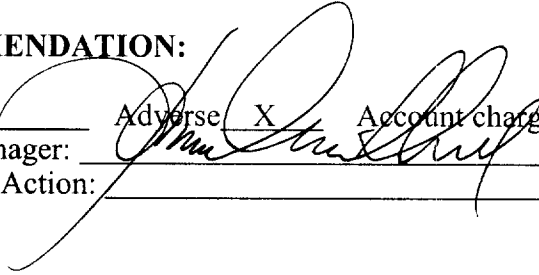
Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent X City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 09/16/04
Committee Action: _____ Council Action _____

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418 2. 04-O-1441 3. 04-O-1565 4. 04-O-1567 5. 04-O-0438 6. 04-O-1507 7. 04-O-1559 8. 04-O-1572 9. 04-O-1582 10. 04-O-1728 11. 04-O-1732 12. 04-R-1655 13. 04-R-1421 14. 04-R-1668 15. 04-R-1719 16. 04-R-1487 17. 04-R-1624 18. 04-R-1673 19. 04-R-1674 20. 04-R-1675 21. 04-R-1491 22. 04-R-1659 23. 04-R-1660 24. 04-R-1661 25. 04-R-1662 26. 04-R-1663 27. 04-R-1664 28. 04-R-1665 29. 04-R-1613 30. 04-R-1676 31. 04-R-1677 32. 04-R-1678 33. 04-R-1679 34. 04-R-1680 35. 04-R-1681 36. 04-R-1682 37. 04-R-1718	38. 04-R-1683 39. 04-R-1684 40. 04-R-1685 41. 04-R-1686 42. 04-R-1687 43. 04-R-1688 44. 04-R-1689 45. 04-R-1690 46. 04-R-1691 47. 04-R-1692 48. 04-R-1693 49. 04-R-1694 50. 04-R-1695 51. 04-R-1696 52. 04-R-1697 53. 04-R-1698 54. 04-R-1699 55. 04-R-1700 56. 04-R-1701 57. 04-R-1702 58. 04-R-1703 59. 04-R-1704	60. 04-R-1705 61. 04-R-1706 62. 04-R-1707 63. 04-R-1708 64. 04-R-1709 65. 04-R-1710 66. 04-R-1711 67. 04-R-1712 68. 04-R-1713 69. 04-R-1714 70. 04-R-1715 71. 04-R-1716 72. 04-R-1717